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TOLL BROTHERS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

16 PETER SWALLOW,  
17 Plaintiff,  
18 vs.  
19 TOLL BROTHERS, INC.; AND DOES  
20 1-25, INCLUSIVE,  
Defendants.

Case No. C08-02311 JCS

**[PROPOSED] ORDER GRANTING  
DEFENDANT TOLL BROTHERS,  
INC.'S MOTION TO COMPEL  
ARBITRATION AND TO STAY THE  
PROCEEDINGS**

Date: July 25, 2008  
Time: 9:30 a.m.  
Ctrm: A  
Judge: Hon. Joseph C. Spore

Complaint Filed: April 3, 2008  
Trial Date: None Set

1 The motion of Defendant Toll Brothers, Inc. ("Defendant") to compel  
2 arbitration and to stay the proceedings, came on regularly for hearing before this  
3 Court on July 25, 2008; Baldwin J. Lee of Allen Matkins Leck Gamble Mallory &  
4 Natsis LLP appeared as attorneys for Defendant; and, Kay M. Lucas of the Lucas  
5 Law Group appeared as attorney for Plaintiff Peter Swallow.

6 After considering the moving and opposition papers, arguments of counsel  
7 and all other matters presented to the Court,

8 IT IS HEREBY ORDERED THAT the Motion is granted and all further  
9 proceedings in the above-entitled matter are ordered stayed until completion of the  
10 arbitration proceedings before the American Arbitration Association.

12 | Dated:

Hon. Joseph C. Spero  
United States Magistrate Judge

## **PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 1900 Main Street, Fifth Floor, Irvine, California 92614-7321.

On June 4, 2008, I served on interested parties in said action the within:

**[PROPOSED] ORDER GRANTING DEFENDANT TOLL BROTHERS,  
INC.'S MOTION TO COMPEL ARBITRATION AND TO STAY THE  
PROCEEDINGS**

by placing a true copy thereof in sealed envelope(s) addressed as stated below and causing such envelope(s) to be deposited in the U.S. Mail at Irvine, California.

Kathleen M. Lucas, Esq.  
The Lucas Law Firm  
180 Montgomery Street, Suite 2000  
San Francisco, California 94104

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on June 4, 2008, at Irvine, California.

Stephanie Pattis

(Type or print name)

Stephanie Starks  
(Signature)

(Signature)